

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001	03 MDL 1570 (GBD) (SN) ECF Case
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This document relates to:

Federal Insurance Co., et al. v. Al Qaida, et al., Case No. 03-cv-06978
Thomas Burnett, Sr., et al. v. Al Baraka Inv. & Dev. Corp., et al., Case No. 03-cv-09849
Kathleen Ashton, et al v. Al Qaeda Islamic Army, et al., Case No. 02-cv-06977
Estate of John P. O'Neill, Sr., et al. v. Al Baraka, et al., Case No. 04-cv-01923
Continental Casualty Co., et al. v. Al Qaeda, et al., Case No. 04-cv-05970
Cantor Fitzgerald & Co., et al. v. Akida Bank Private Ltd., et al., Case No. 04-cv-07065
Euro Brokers, Inc., et al. v. Al Baraka, et al., Case No. 04-cv-07279

**DECLARATION OF J. SCOTT TARBUTTON IN SUPPORT OF PLAINTIFFS'
MOTION FOR SANCTIONS AGAINST DEFENDANT WA'EL HAMZA JELAIDAN**

J. Scott Tarbutton affirms, under penalty of perjury, as follows:

1. I am an attorney admitted to practice *pro hac vice* in the above-captioned matter, and a member of the law firm Cozen O'Connor. I submit this Declaration to substantiate certain representations and to transmit to the Court the following documents submitted in support of Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Sanctions Against Defendant Wa'el Hamza Jelaidan.

2. On August 15, 2006, defendant Wa'el Jelaidan served responses and objections to plaintiffs' document requests and produced his first, and only, document production in this litigation. That production, consisting of a mere 22 documents (104 pages), included two documents relating to Jelaidan's account at Faisal Finance: (1) a three-page bank statement for Account No. x0409 at Faisal Finance for the month of January 2005 (WJ003); and (2) a

September 25, 2002 letter from Faisal Finance notifying Jelaidan that Account No. x0409 has been frozen per the directives of the Swiss Federal Prosecutor (WJ013). The remainder of defendant Jelaidan's production is largely unresponsive to plaintiffs' document requests.

3. Martin McMahon, counsel for defendant Wa'el Jelaidan, provided copies of the attachments to his June 19, 2017 email to the Office of Foreign Assets Control ("OFAC") to plaintiffs on September 15, 2017, consisting of: (1) 16 pages of banking records relating to Jelaidan's bank account at Faisal Finance (Switzerland) S.A. (Account No. x0409), including account statements and summaries, wire transfers, and multiple pieces of correspondence between Jelaidan and bank officials; and (2) an October 16, 2002 Order from the Office of the Attorney General of Switzerland directing the seizure of Jelaidan's bank account at Citibank of Geneva (Account No. xx4046).

4. Plaintiffs have confirmed that a majority of the Faisal Finance banking records relating to defendant Wa'el Jelaidan's Account No. x0409 (15 of the 16 pages), have never been produced by Jelaidan in discovery.

5. Attached hereto as Exhibit A is a true and correct copy of Plaintiffs' First Set of Requests for Production of Documents Directed to Defendant Wael Hamza Jelaidan, dated June 13, 2006.

6. Attached hereto as Exhibit B is a true and correct copy of the Plaintiffs' Executive Committees' August 10, 2015 Motion to Compel (ECF No. 2988).

7. Attached hereto as Exhibit C is a true and correct copy of the Plaintiffs' Executive Committees' May 12, 2017 letter to the Honorable Sarah Netburn (ECF No. 3582).

8. Attached hereto as Exhibit D is a true and correct copy of the Plaintiffs' Executive Committees' October 17, 2011 Motion to Compel.

9. Attached hereto as Exhibit E is a true and correct copy of the Plaintiffs' Executive Committees' January 30, 2013 Motion to Compel.

10. Attached hereto as Exhibit F is a true and correct copy of Defendant Jelaidan's June 26, 2017 Status Report (ECF No. 3635).

11. Attached hereto as Exhibit G is a true and correct copy of the Plaintiffs' Executive Committees' September 14, 2017 letter to Martin F. McMahon, Esq.

12. Attached hereto as Exhibit H is a true and correct copy of a document produced in discovery by defendant Yassin Kadi (KADI0004371-4372).

13. Attached hereto as Exhibit I is a true and correct copy of a document produced in discovery by defendant Yassin Kadi (KADI0102987).

14. Attached hereto as Exhibit J is a true and correct copy of the October 29, 2011 Affidavit of Wael Hamza Jelaidan.

15. Attached hereto as Exhibit K is a true and correct copy of two attachments to Mr. Martin McMahon's June 19, 2017 email to OFAC.

Executed in Philadelphia, Pennsylvania on October 6, 2017.

/s/_____
J. Scott Tarbutton, Esq.